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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/217,117 12/21/98 NISHINA Y 450100-4033.

<input type="checkbox"/>	<input type="checkbox"/>	EXAMINER
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TM02/0302

WILLIAM S FROMMER ESQ  
FROMMERM LAWRENCE & HAUG LLP  
745 FIFTH AVENUE  
10TH FL  
NEW YORK NY 10151

HAILU, T	ART UNIT	PAPER NUMBER
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2173

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/217,117</b>	Applicant(s) <b>Yasutomo Nishina et al.</b>
	Examiner <b>Tadesse Hallu</b>	Group Art Unit <b>2173</b>

Responsive to communication(s) filed on Jan 26, 2001

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claim

Claim(s) 1, 2, 4-10, 12, and 16 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 2, 4-10, 12, and 16 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

**-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --**

Art Unit: 2173

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claims 1, 2, 4-10, 12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Knee et al. (5,589,892).**

The *present invention* related to an electrical program guide display control apparatus and method for managing displayed information.

*Knee et al.* ("Knee") relates to an electronic program schedule system, which provides the user on a television receiver.

**Per claim 1:**

As per "an apparatus for controlling display of an electrical program guide," *Knee* provides an apparatus for controlling electronic program guide (EPG) (see *Knee*: fig. 1), wherein the EPG system is provided with data feeds containing different types of information and selectable for display by the user on an on-demand basis.

as per "broadcast program information storage means for storing, as broadcast program information, the information relative to a number of broadcast programs extracted from

Art Unit: 2773

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as per "broadcast program information storage means for storing, as broadcast program information, the information relative to a number of broadcast programs extracted from predetermined positions of video signals;" Knee's EPG system further provides stored broadcast program schedule information (see *Knee*: col 6, lines 40-60);

as per "recorded program information storage means for storing, as recorded program information, the information relative to a number of broadcast programs previously recorded in a recording medium;" The electronic program guide of Knee's could also be configured to use other stored schedule information for this purpose, such as recorded program information (see *Knee*: col 36, lines 52-61); and

as per "a display control mean capable of displaying, simultaneously, as an electrical program guide to provide the program-related information, the program information relative to both of the broadcast programs and the recorded programs on the basis of the broadcast program information stored in said broadcast program information storage means and also the recorded program information stored in said recorded program information storage means whereby both broadcast program information and recorded program information are process able by a single electrical program guide function so as to enable a user to select for more than one program the broadcast information and recorded program information associated therewith by activating the desired single electrical program guide function only once." The electronic program guide of Knee's further provides information from the stored program schedule information is combined with information obtained from received data feeds and displayed simultaneously (see *Knee*: col

Art Unit: 2773

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6, lines 40-60). The program guide system also provides the capability of selecting from among several user-defined channel presentation sequences, which are activated using one of the three "check mark" icon keys 48A, 48B or 48C on the remote controller 40 shown in FIG. 4. (Col 27, line 56-col 28, line 5). Once a particular entry is selected, the electronic program guide connects the user to the selected service and passes control to the particular service application software, as shown in FIGS. 32-35.

**Per claim 2:**

As per "... said display control means is capable of displaying simultaneously as an electrical program guide, at least a program information area in the form of a window to display the program information, a command area in the form of a window to display items for selecting a manipulation command relative to said program guide, and an input area in the form of a window to display items for inputting a required parameter corresponding to the selected manipulation command." Knee's electronic program guide further provides information from the stored program schedule information is combined with information obtained from received data feeds and displayed simultaneously. Knee further provides selectable displayed items (such as menu items or commands) for input manipulation and processing (see Figs. 6-8).

**Per claim 4:**

Independent claim 4 is rejected for reasons similar to those given for the rejection of claim 1.

**Per claim 5:**

Art Unit: 2773

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dependent claim 5 is rejected for reasons similar to those given for the rejection of claim 2.

**Per claim 6:**

as per "...wherein said recorded program information stored in said recorded program information storage means includes the recording start positions of the broadcast programs in said recording media." Knee electronic program guide further provides recording time event (col 36, line 52-col 37, line 9).

**Per claim 7:**

as per "... wherein said display control means displays the program information relative to both of the broadcast programs and the recorded programs, in a manner to superimpose such information on a normal picture" Knee further discloses, among others, a window superimposed on the actual program signal (col 25, lines 33-55).

**Per claim 8:**

as per "..., wherein said display control means displays the program information relative to both of the broadcast programs and the recorded programs, in a manner to superimpose such information on a fixed picture." Knee further discloses, among others, a graphic overlay 51 containing programming information for the channel currently tuned on the tuner is superimposed in overlaying relationship with a received program signal (see col 14, lines 3-18).

**Per claim 9:**

Art Unit: 2773

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as per "..., wherein said display control means has a mode to display the program information relative to the broadcast programs, on the basis of the broadcast program information stored in said broadcast program storage means; and a mode to display the program information relative to the recorded programs on the basis of the recorded program information stored in said recorded program information storage means." Knees's EPG further provides the user with the ability to select from among a plurality of display formats for the program schedule information (see col 5, lines 1-7, col 9, lines 21-24, col 11, lines 32-48, col 12, lines 39-63, col 21, lines 21-35, col 29, lines 16-47, col 40, lines 10-27).

**Per claim 10:**

claim 10 recites a plurality display modes of program information. Knees's EPG further provides the user with the ability to select from among a plurality of display formats for the program schedule information (see col 5, lines 1-7, col 9, lines 21-24, col 11, lines 32-48, col 12, lines 39-63, col 21, lines 21-35, col 29, lines 16-47, col 40, lines 10-27).

**Per claim 12:**

as per "..., wherein said display control means displays the mode, which is currently set, in a portion of said program information area." Knees's EPG system further provides a flexible program schedule system that allows a user to view selected broadcast programs on a portion of the screen of the television receiver while simultaneously viewing program schedule information for other channels and/or services on another portion of the screen (col 4, lines 26-39, col 6, lines 1-28, col 15, lines 41-64).

Art Unit: 2773

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**Per claim 16:**

as per "..., wherein said display means has a plurality of modes with regard to display of the command area, and displays command icons corresponding to each selected mode."

Knees's plurality of display formats further provides user selectable icons (such as check-mark icons 48a-c) col 6, lines 1-28, col 12, lines 39-63, col 29, 16-48).

***Response to Arguments***

3. Applicant's arguments filed 26 January 2001 have been fully considered but they are not persuasive.

Applicant argues that "Knee does not disclose storing recorded program information relative to a number of broadcast programs that have been previously recorded in a recording medium."

However, as mentioned above, Knee does disclose a recording or storage device, such as video recording, that the user wishes to record a program for later viewing, and at later time the user can view the previously recorded broadcast programs (col 36, lines 52-61).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2773

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Tadesse Hailu*, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 9:00 - 5:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *John Cabeca*, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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*Tadesse Hailu* 23 Feb. 2001



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173